

and especially, the deposition made by their authorised representative and Shri Sharda Nand W. W. 3, it is clear beyond any shadow of doubt that the demand notices were not given first to the management as required by law, but to the Conciliation Officer on 22nd June, 1970 who communicated the same to the management for the purposes of the conciliation proceedings. The certificate of posting Exhibit W. 1 does not contain the entry at Serial No. 3 of the manager Nirula Brothers(P) Ltd., Gurgaon besides the names of Deputy Commissioner and the Superintendent of Police, Gurgaon at serial Nos. 1 and 2. But there is no mention of the demand notices in this certificate of posting, dated 16th June, 1970. The matter would have been clear if the copy of the letter or the complaint sent under this certificate of posting had been produced. The same could be obtained from either of the said offices, if the copy had been lost by the union. In view of the specific denial by the witnesses examined on behalf of the management including the Establishment Incharge and the Technical Director that no demand had been received direct from the workmen concerned, this certificate of posting by itself not sufficient to support the contention of the workmen that the demand had been raised earlier on the management before taking up the matter for conciliation on 22nd June, 1970.

So, taking into consideration all the facts taken together, I am quite clear in my mind that the demands, the subject matter of the present references, had not first been raised on the management and rejected by it. The workmen concerned straight away took up the matter for conciliation and it was from the communication received from the conciliation officer that the management came to know about their demands for the first time which as laid down in the judgement of the Hon'ble the Supreme Court referred to above was not sufficient to constitute an industrial dispute that could validly be referred for adjudication to this court. Issue No. 1 is accordingly decided against the workmen and in favour of the management.

In view of my above findings on the preliminary issue No. 1, it is not necessary to go into issue No. 2 regarding the merits of the case as, in the absence of any industrial dispute existing between the management and the workmen concerned, no valid reference could be made for adjudication of the demands in question. The award in both the cases is accordingly made holding that in the circumstances, discussed above, no industrial disputes existed between the parties which could validly be referred for adjudication and as such the present references shall consequently stand rejected. There shall be no order as to costs.

Dated 6th June, 1974.

(O. P. SHARMA),

Presiding Officer,
Labour Court, Haryana,
Rohtak

No. 1443, dated the 10th June, 1974

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

(O. P. SHARMA),

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 5586-4Lab-74/21022.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Sikands Ltd., Industrial Area, Faridabad

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 21 of 1974

between

THE WORKMEN AND THE MANAGEMENT OF M/S SIKANDS LIMITED, 61-INDUSTRIAL
AREA, FARIDABAD

Present.—

Shri Chaman Lal, for the workman.

Shri H. L. Narula, Assistant Manager, for the management.

AWARD

The workmen of M/s Sikands Limited, 61-Industrial Area, Faridabad, had raised certain demands but there was no response from the management. The conciliation also ended in failure. On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, referred for adjudication to this Tribunal only one of the demands raised by the workmen,—*vide* order No. ID/FD/73/5451, dated 4th March, 1974, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 with the following term of reference :—

Whether the workmen are entitled to the grant of dearness allowance ? If so, at which rate and with what details ?

Usual notices were given to the parties who have arrived at an amicable settlement as per terms and conditions given in the memorandum of settlement, dated 25th May, 1974 Ex-M-1 which is signed by six representatives of the workmen including Shri Chaman Lal Oberai who had given the demand notice leading to the present reference. Shri H. L. Narula, Assistant Manager of the concerned has signed the memorandum of settlement for the management. Statements have been recorded.

In view of the above, no further proceedings are necessary in the case and the award is made, as per terms and conditions given in the memorandum of settlement Ex-M-1, which shall form part of the reference. There shall be no order as to costs.

Dated the 10th Jun , 1974.

O.P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 486, dated the 10th June, 1974

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 10th June, 1974.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 29th June, 1974

No. 555-4Lab-74/20987.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Bata Shoe Company (P) Ltd., now Bata India Ltd, Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 95 of 1971

between

! SHRI SHAM LAL AND THE MANAGEMENT OF M/s BATA SHOE
COMPANY (P) LTD., NOW BATA INDIA LTD., FARIDABAD

Present.—

Shri Sham Lal, workman concerned.

Shri L. K. Narain, for the management.

AWARD

By order No. ID/FD/16-C/19404—S, dated 25th June, 1972, of the Governor of Haryana, the following dispute between the management of M/s Bata Shoe Company Private Limited, now Bata India Limited, Faridabad and their workman Shri Sham Lal was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of ! Shri Sham Lal was justified and in order ? If not, to what relief is he entitled ?

The management contested the claim of the workman. It is, however, not necessary to go into the merits of the case and the issues arising from the pleadings of the parties since an amicable settlement has been arrived at, as per application Exhibit W. 1 made by the workman who had given the demand notice leading to the present reference under section 2-A of the Industrial Disputes Act, 1947. His statement has been recorded as also of Shri L. K. Narain, Personnel Officer of the management. The workman has stated that he has received his dues in full and final settlement of his entire claims against the management and given up his right of reinstatement or re-employment.

In view of the above, a no dispute award is given as desired by the parties. There shall be no order as to costs.

O.P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated the 22nd June, 1974.

No. 1550, dated 22nd June, 1974

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 5650-4Lab-74/20991.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Bata Shoe Co. (P) Ltd., now Bata India Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 114 of 1971

between

SHRI WAZIR CHAND AND THE MANAGEMENT OF M/S BATA SHOE
COMPANY (P) LTD., NOW BATA INDIA LTD., FARIDABAD.

Present :

Shri Wazir Chand workman concerned.

Shri L. K. Narain for the management.

AWARD

By order No. ID/FD/16-B/20725-29, dated 8th July, 1971 of the Governor of Haryana, the following dispute between the management of M/s Bata Shoe Company (P) Ltd., now Bata India Ltd., Faridabad and their workman Shri Wazir Chand was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Wazir Chand was justified and in order ?
If not, to what relief is he entitled ?"

The management contested the claim of the workman. It is, however, not necessary to go into the merits of the case and the issues arising from the pleadings of the parties since an amicable settlement has been arrived at, as per application Exhibit W. 1 made by the workman who had given the demand notice leading to the present reference under section 2-A of the Industrial Disputes Act, 1947. His statement has been recorded as also of Shri L. K. Narain, Personnel Officer of the management. The workman has stated that he has received his dues in full and final settlement of his entire claims against the management and given up his right of reinstatement or re-employment.

In view of the above a no dispute award is given as desired by the parties. There shall be order as to costs.

O. P. SHARMA,

Dated the 22nd June, 1974.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1551, dated the 22nd June, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

S. N. BHANOT,

Commissioner for Labour and Employment,
and Secretary to Government, Haryana.